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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RAUL ANDREW CASAREZ,

14 Defendant.
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Case No. 2:15-CR-168-KJD-VCF

ORDER

16 Before the Court for consideration is the Report and Recommendation (#29) of Magistrate
17 Judge Cam Ferenbach entered October 22, 2015, recommending that Defendant's Motion to
18 Suppress Evidence (#15) be granted. The Government filed objections (#41) to which Defendant
19 replied (#42).

20 The Court has conducted a *de novo* review of the record in this case in accordance with 28
21 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation
22 (#29) of the United States Magistrate Judge entered October 22, 2015, should be **ADOPTED** and
23 **AFFIRMED**. Having extensively considered the testimony at the hearing held on October 16, 2015,
24 the Court finds that the magistrate's factual findings were supported clearly by the testimony adduced
25 by both parties at the hearing. Additionally, the Court, makes it clear that it has come to the same
26 factual findings as the magistrate judge. A second evidentiary hearing is not necessary simply

1 because the Government disagrees with the findings. Finally, the magistrate judge correctly
2 distinguished *United States v. Hernandez*, 27 F.3d 1403 (9th Cir. 1994).

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
4 (#29) entered October 22, 2015, are **ADOPTED** and **AFFIRMED**, and Defendant's Motion to
5 Suppress Evidence (#15) is **GRANTED**.

6 DATED this 21st day of January 2016.

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10 Kent J. Dawson
United States District Judge
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